

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WHITING AND SON
 PO BOX 1025
 BURNS OR 97720

confirms the right to use the waters of WHITING WELL NO. 1, WHITING WELL NO. 2 and WHITING WELL NO. 3 in the FOLEY SLOUGH (SILVIES RIVER) BASIN for SUPPLEMENTAL IRRIGATION of 148.8 ACRES.

This right was perfected under Permit G-2089. The date of priority is AUGUST 29, 1961. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.86 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	31 E	WM	9	NW SE	WHITING WELL 1 - 29 FEET SOUTH AND 83 FEET EAST FROM THE C1/4 CORNER OF SECTION 9
23 S	31 E	WM	9	NW SE	WHITING WELL 2 - 1292 FEET SOUTH AND 687 FEET EAST FROM THE C1/4 CORNER OF SECTION 9
23 S	31 E	WM	9	NW SE	WHITING WELL 3 - 17 FEET SOUTH AND 757 FEET EAST FROM THE C1/4 CORNER OF SECTION 9

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	31 E	WM	9	NE SE	40.0
23 S	31 E	WM	9	NW SE	38.2
23 S	31 E	WM	9	SW SE	35.2
23 S	31 E	WM	9	SE SE	35.4
Total					148.8

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The quantity of water diverted at the new point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation.

Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

While, according to the well report, Whiting Well 1 does not conform with current construction standards, staff have concluded that the well was constructed in accordance with the standards in effect at the time that the well was constructed. If at any time, however, the well or its use:

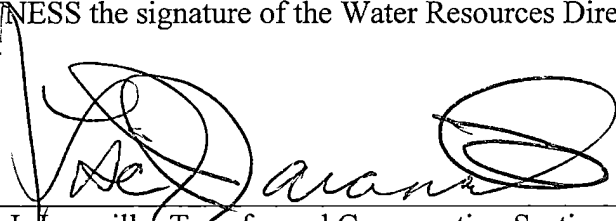
- a. acts as a conduit for groundwater contamination,
- b. allows loss of artisan pressure,
- c. allows waste of groundwater,
- d. interferes with senior groundwater users, or
- e. interferes with nearby surface water sources,

the Department may require that the well be repaired in accordance with current well construction standards.

This certificate is issued to confirm an HISTORIC ADDITIONAL POINTS OF APPROPRIATION approved by an order of the Water Resources Director entered DEC 31 2019, approving Transfer Application T- 12941, and supersedes Certificate 82715, State Record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed DEC 31 2019.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department